

REGULATION

SPDOC No: 07-14	Effective Date: October 7, 2007	Index Reference: Agency Layoff Plans	Regulation Number: 2.02
Issued By: Classifications and Selections	Rule Reference: Rule: 2-5 (Employment Preference)		Replaces: Reg. 2.02 (CS-6940, March 18, 2001)
Authority: Regulations are issued by the State Personnel Director under authority granted in the Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations are subordinate to the Commission Rules.			
Subject: AGENCY LAYOFF PLANS			

TABLE OF CONTENTS

1. PURPOSE.....	1
2. CIVIL SERVICE COMMISSION RULE REFERENCE	1
3. STANDARDS.....	2
4. PROCEDURE	3

1. PURPOSE

This regulation provides agencies with standards and methods of developing agency layoff plans and establishes the criteria Civil Service staff uses in the review process.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Note: This Section 2 reprints only selected Commission Rules for quick reference by the reader. Additional Rules (that are not reprinted below) may apply. The complete, current version of the Rules can be found at www.michigan.gov/mdcs.

Rule 2-5 Employment Preference

2-5.1 Application and Protection

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(d) Agency layoff plans. The state personnel director may approve an agency layoff plan that varies the application of employment preference within an agency. An approved agency layoff plan may vary the application of employment preference in the following areas only:

(1) The application of county preference based on organizational or geographic limits.

- (2) *The application of employment preference between recognized autonomous entities of a principal department, if agreed by each appointing authority.*
- (3) *The application of employment preference into additional positions in class clusters approved by the appointing authority and the state personnel director.*
- (4) *The application of employment preference between eligible employee status codes.*

3. STANDARDS

- A. No agency layoff plan will be approved that does not conform to Civil Service rules, particularly rule 2-5. A statement must be included to specify that the layoff plan is applicable only to employees not covered by a collective bargaining agreement.
- B. The following provisions regarding application of employment preference cannot be modified by an agency plan:
 - 1. Determinations of preference by total continuous state service.
 - 2. Qualification determinations, as specified in the current rules.
 - 3. Applications of preference between employees with a collective bargaining agreement and those without such an agreement.
 - 4. Any terminology definitions included in the current rules.
 - 5. Employment preference, as defined in the current rules.
- C. The State Personnel Director must approve agency layoff plans at least 28 calendar days before their implementation.
- D. Notice to all affected employees must be published and issued at least 14 calendar days before implementation of an agency layoff plan.
- E. Agencies that want to apply employment preference into additional positions in class clusters must identify the proposed classifications to be clustered.
- F. Every classification in the proposed cluster must meet the minimum requirements of the job specifications for every other classification in that proposed cluster.
- G. Agencies that wish to apply employment preference between employee status codes must include this in their plans.
- H. Agency layoff plans must include a clear and understandable explanation of the procedures to be used to implement the plan.
- I. Civil Service staff will review agency layoff plans within 14 calendar days following receipt of all relevant information.

4. PROCEDURE

Responsibility	Action
Appointing Authority	1. Prepares an agency layoff plan in accordance with the standards identified in this regulation.
Civil Service	2. Sends the drafted plan to Civil Service.
	3. Reviews the plan for conformance with rule 2-5 and the standards established by this regulation.
	4. Sends letter to appointing authority approving or recommending necessary modifications to the agency layoff plan.
Appointing Authority	5. Upon receipt of letter approving or recommending modifications to the agency layoff plan: <ol style="list-style-type: none"> Issues notice of the approved agency layoff plan to all affected employees.
	OR
	<ol style="list-style-type: none"> Makes necessary modifications to the plan and returns to Civil Service, (Step 2 in this procedure) for approval.

CONTACT

Questions regarding this regulation should be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3030 or 1-800-788-1766; or by e-mail to MDCS-BHRS@michigan.gov.